

Response to Agency Comments
Stetson II Wind Project
January 20, 2009

This *Response to Agency Comments* addresses comments that were provided to the Land Use Regulation Commission (LURC) by state regulatory agencies during the LURC review period for the Stetson II Wind Project. The review period ended on January 19, 2009. Comments and associated responses are organized by agency.

Maine Department of Transportation (MDOT) (3 documents)

Document 1. Email from Brent Bubar, December 08, 2008

MDOT advises against the movement of oversized loads on State roads while they are normally posted and requested additional information on how the applicant proposes to move equipment on State roads while they are posted. MDOT notes that according to the proposed schedule, there is a high potential for the transporting of materials to be hindered by road postings.

Also, MDOT requested clarity in the route used to transport turbine components to the site.

The MDOT also states that Entrance Permits will be needed, and will require evaluation of sight distances. The MDOT asserts that the drive and entrance rules may require permanent mitigation.

Document 2. Email from Brent Bubar, January 15, 2009

Road Posting

The MDOT reiterated comments from the initial comments with regard to movement of heavy loads on posted roads, the lack of information in the application about a northern route that was utilized for some Stetson turbine components. In addition, MDOT commented that the Applicant will need to apply for entrance permits for the road entrances and opening permits for clearing within the right of way.

Turbine Delivery

Included in this email were extensive comments on various routes for turbine delivery.

Document 3. Email from Jim McGinnis, January 15, 2009

The MDOT commented that sight distances for both the Owl access road and Jimmey access road are adequate.

Stantec Response:

Posted Roads

Stetson Wind II, LLC (Stetson II) is aware of the road postings in the area and the potential impacts they may have on construction and deliveries. This has been considered in the project planning, and road postings will be followed.

As acknowledged by MDOT, the most likely time that the road posting may affect project construction is during the initial mobilization of the project. Should the project be approved, mobilization is expected in spring 2009. Depending on when they are lifted, road postings may affect the initial mobilization of civil equipment and potentially foundation activities (i.e., concrete trucks, rebar deliveries). The contractor for the Stetson project worked jointly with the MDOT to allow travel on the isolated section of Highway 169 from Danforth to the project site as long as appropriate funds were set aside to address potential road



damage. A large percentage of such funding was returned due to minimal damage caused by construction activities. Stetson II understands and will comply with all road postings unless specific agreements are reached with the MDOT to allow limited use of clearly identified sections of Highway 169.

Turbine Delivery and Turbine Delivery Routes

All turbine components have been transported to the Danforth, Maine area. General Electric utilized routes approved and/or selected by the MDOT as part of the oversized permit process. Permits for the delivery of the turbines along all routes were obtained from MDOT and Bureau of Motor Vehicles. In the event that the project is not approved, the turbine components will be redeployed to other First Wind projects. These turbine components will remain in the storage areas until road postings are lifted or an agreement is reached with the MDOT to allow movement. Based on the anticipated mobilization schedule, it is not currently expected that turbine components will be required on the project site until road posting are lifted.

Entrance Permits and Opening Permits

Stetson II is in the process of submitting applications for Entrance Permits and Opening Permits. All necessary permits will be obtained prior to project mobilization.

United States Department of Fish and Wildlife (USFWS) (1 document)

Memo of Lori H. Nordstrom, January 12, 2009

The USFWS comments that there are no federally-listed endangered or threatened species in the project area. The project area is outside of the Gulf of Maine DPS of the Atlantic salmon. Section 9 of the Endangered Species Act prohibits the take of any federally listed animal species.

As noted in the project application, several protected species or habitats of concern may occur in your area: Yellow lampmussel, state threatened. USFWS recommends contacting the Maine Department of Inland Fisheries and Wildlife for additional state-specific information on threatened and endangered plant and wildlife, and species of special concern. USFWS also recommends contacting MNAP for information on any state threatened and endangered plant species, plant species of special concern, and rare natural communities located in the project area.

Occasional, transient bald eagles may occur in the area. Based in the information currently available to use (and as noted in the project application), there is a bald eagle nest on Kittery Island in Upper Hot Brook Lake located approximately 1.3 miles from the closest turbine locations. The bald eagle was removed from the federal threatened list... and is now protected from take under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Wind energy projects can affect bald eagles by direct take of resident or transient birds or by introducing new sources of disturbance. The effect of wind power development on bald eagles has been poorly studied. If you believe your project will result in taking or disturbing bald or golden eagles, please contact our office for further guidance. We encourage early and frequent consultations.

Wind energy ...is considered to be generally environmentally friendly technology supported by the Department of the Interior. However, wind energy projects can adversely affect wildlife, especially birds and bats and their habitats. The potential for collision with resident of migratory species of birds and bats is affected by many factors but location of the wind turbines appears to one of the most important. Individual review is essential. The Service's policy on wind energy development should be consulted as you develop this project. The potential collision hazard of proposed and alternative sites can be assessed by preconstruction studies.



Your project will likely require bridging, filling, or degrading certain wetlands or other waters of the United States under jurisdiction of section 404 of the Clean Water Act, which may require permits be acquired from the U.S. Army Corps of Engineers. In the event section 404 permits are necessary, the Service will make recommendations to avoid, minimize and mitigate impacts to fish and wildlife resources.

Stantec Response:

The USFWS comments above are essentially the same as those dated July 16, 2008, that are included in Exhibit 12B of the LURC application. Stetson II consulted with both the Maine Natural Areas Program (MNAP) and Maine Department of Inland Fisheries and Wildlife (MDIFW) during the planning of this project. Their comments and recommendations are included and addressed in the application, Section 12 and 13, Exhibit 12B and Exhibit 13, and herein. The Stetson II project is not expected to have any effect on state threatened or endangered plant or animal species.

Migratory birds occur commonly throughout Maine and have been documented using the airspace in the vicinity of both the Mars Hill and Stetson projects. This use was documented in site-specific studies conducted both prior to and (in the case of Mars Hill) after construction. While migratory birds do occasionally collide with wind turbines, studies conducted over the last two years at Mars Hill have documented relatively low fatality rates relative to other projects in the Eastern U.S. (i.e., rates at Mars Hill have been on the order of 2 birds/turbine/year). In regards to collision risk, it should be noted that we do not believe any bald eagle fatalities have ever been reported at an operating wind farm in the United States, including those wind farms in Maine.

Understanding the impact of wind development and minimizing its impact on wildlife species has been and continues to be a primary focus of Stetson II and First Wind. Although the risk of significant fatalities is apparently low, Stetson II has consulted with USFWS, as well as with the USFWS Wind Energy Development Policy, and will continue to monitor impacts in consultation with USFWS throughout the life of the project.

There are no dredge or fill wetland impacts associated with the project. Consequently, the U.S. Army Corp of Engineers will not require Section 404 permits for this project.

Maine Natural Areas Program (2 documents)**Document 1. Memo from Don S. Cameron, October 06, 2008**

MNAP's comments regarding the proposed Stetson II Wind Project maintain that after research into past and present ownership and uses, MNAP does not view the proposed facilities on Owl and Jimmey Mountains as a priority, and foresee no substantive comments when a permit is applied for.

Document 2. Email from Don S. Cameron, January 6, 2009

MNAP comments that they have no specific concerns about the Stetson II Wind Project.



Maine Department of Inland Fisheries and Wildlife (1 document)**Memo from Richard Dill, January 16, 2008**

MDIFW comments that adequate mechanisms will be in place to avoid erosion and sedimentation issues during road construction and site development in and around the water resources occurring within the project area. MDIFW recommends vegetation clearing for transmission lines around Hot Brook and Webster Brook be minimized.

Stantec Response:

Clearing around both Hot Brook and Webster Brook has been minimized to the greatest extent practicable. The existing road infrastructure will be used and erosion and sedimentation controls established in accordance with the application

Maine Department of Environmental Protection (MDEP) (2 Documents)**Document 1. Memo from John Hopeck, January 15, 2009**

With regard to groundwater MDEP comments that blasting limits should include controls on ground vibration and air blast equivalent to those specified at 38 M.R.S.A. § 490-Z(14)(A)-(H). In addition blast record keeping should be consistent with the information required by 38 M.R.S.A. § 490-Z(14)(L).

The application, Exhibit 7A, indicates that the geotechnical work will be completed in fall and spring 2008. This may be an error. Final geotechnical data, turbine positions and footing design, and other relevant information should be submitted as soon as possible.

Exhibit 7C states that a spill pack will be on-site but does not indicate where it will be stored. This should be stored as close as possible to a potential spill site, here fuel storage and refueling areas. Onsite storage of contaminated materials shall not exceed 90 days or another period as may be required by the Bureau of Remediation and Waste Management.

MDEP indicated that it is likely that acid rock is likely to be a factor during construction. The potential for acid drainage from use of rocks can likely be managed by previously approved methods, although avoidance or minimization of disturbance is preferred, especially if these rocks are encountered adjacent to streams in the general area of road crossings southeast of Jimmey Mountain.

Stantec Response:

A blasting plan outlining the controls that will be utilized to minimize on-the-ground vibration and airblast is currently being drafted and will be submitted by the end of January 2009. These controls will conform to those specified at 38 M.R.S.A. §490-Z(14)(A)-(H). The plan will also require blast record keeping that is consistent with the information required by 38 M.R.S.A. § 490-Z(14)(L).

Exhibit 7A of the LURC application erroneously states that the geotechnical work will occur in fall and spring 2009. This work will be completed in the winter and spring 2009.

Contaminated materials will not be stored on-site for a period longer than that allowed by the Bureau of Remediation and Waste Management.

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As more fully described below, a geotechnical evaluation will occur in winter and spring 2009. This analysis will inform Stetson II of the location of acid rock, and Stetson II will try to avoid areas with high potential for acid rock drainage. In the event avoidance is not possible, the attached mitigation and control plan will be followed. This is the same plan that was utilized during the Stetson project.

Document 2. Memo from Mark Stebbins, January 16, 2009

The Mining Coordinator for MDEP reviewed the Preliminary Acid Rock Drainage Evaluation included in the application and made a request for additional information as follows: conduct additional acid-base accounting tests on core samples from the proposed layout of the road and turbine pads; submit a plan which contains measures to prevent the generation of acid rock drainage at the site; establish a baseline for surface water quality for potentially impacted acid rock drainage impacts; and submit a specific blasting plan.

Stantec Response:

Stetson II will conduct core sample testing in winter and spring 2009, and a report will likely be available by the end of March 2009. This testing will be conducted on core samples from both the road and turbine pad areas. As soon as this analysis is complete, the results will be submitted to LURC for review.

The mitigation plan for Stetson II will be similar to the methodology that was outlined in the Stetson plan but will not be finalized until the results of the core sample testing are complete. Once this plan is complete, it will be submitted to LURC for review. Baseline data for surface water quality for potentially impacted streams, such as Hot Brook and Webster Brook, will be collected in early spring 2009 prior to construction to ensure baseline information is available. This information will be submitted with the core sampling report. Surface water sampling will be conducted during construction in accordance with the mitigation and monitoring plan. A report will be completed and the need for additional monitoring will be determined.

Maine State Soil Scientist (1 document)

Email of David Rocque, January 16, 2009

The Maine State Soil Scientist reviewed the project and suggested some modifications to project plans. He recommended approval of the application, provided the minor revisions are made prior to sending the plans out to bid. The changes are as follows:

1. *Typical level spreader detail – The typical detail shows an excavation to hold and redirect runoff as sheet flow. An excavation is time consuming and causes soil disturbance. A more simple and easier level spreader is a rip-rap apron with a semi-circular stone berm. I suggest adding this to the detail sheet as an option.*
2. *Erosion Control Berm – Below the standard detail, in the discussion of what are suitable materials to use for these berms below the standard detail, is composted bark. Truly composted bark would not be acceptable as it has very low permeability.*
3. *Typical Rock Sandwich – The details for this BMP (there are 3) are not entirely correct.*
4. *Sheet ES-5 – At about station 131 + 50 a culvert will be added.*
5. *Sheet ES 7 – At about station 77 + 50 a culvert will be added.*



Stantec Response:

Stetson II has incorporated the State Soil scientist's suggestions/modifications into the project plans.

Maine Historic Preservation Commission (MHPC) (2 Documents)**Document 1. Memo of Kirk F. Mohney, November 20, 2008**

MHPC reviewed the architectural survey information included in LURC application and provided comments relating to the identification of historic properties in the project area and the findings of effect. The MHPC agrees with conclusions of the Historical Architectural Reconnaissance Survey, acknowledging certain properties as eligible for the National Registry of Historic Places. However, the MHPC does not concur with all the recommendations for listing on the national registry and noted that one property, 53 Andrews Road, Drew Plt., recommended for listing not fit the applicable criteria, and another property, 109 Springfield Rd, Danforth, which was not recommended for listing was found to fit the criteria. Additional information was also requested to make determinations on a few additional structures. Despite these discrepancies, the MHPC concurs with the findings of effect on the potentially eligible properties. As an additional property has been identified as potentially eligible a finding of effect must be made.

Document 2. Email of Robin Stancampiano, January 15, 2009

After review of the January 5, 2009 response MHPC comments that they have determined that that there will be no historic properties affected by the proposed project.

Stantec Response:

The additional information requested by MHPC was submitted by the Public Archaeology Laboratory on behalf of Stetson II on January 5, 2009. No additional potentially eligible structures were identified. An assessment of effect was also completed on the MHPC-identified property, 109 Springfield Road. The project would have no effect on the property.

**Stantec**